

RECEIVED
CENTRAL FAX CENTER

DEC 03 2003

FACSIMILE COVER SHEET

NORRIS MCLAUGHLIN & MARCUS, P.A.

220 East 42nd Street

30th Floor

New York, New York 10017

Tel.: (212) 808-0700

Fax.: (212) 808-0844

Date: 3 December 2003

To: Examiner Thomas C. McKenzie
US Patent and Trademark Office
Tel. No. 703-308-9806
Fax: 703-872-9306

Subject: USSN 09/868,305
Our Ref.: Bayer 10,256-HCL

From: Howard C. Lee

Comments: Filing of: Notice of Appeal (1 pg.); Fee Transmittal (in duplicate); Petition for Extension of Time (2 pgs.)
In addition, enclosed please find copies of documents filed in response to Office Action dated 4 August 2003, together with an auto-reply facsimile transmission (9 pgs.)

If you have any questions or need further information, please contact us.

You should receive 15 pages including this cover sheet.

The information contained in this facsimile message is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and as such is privileged and confidential. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately at the number above and discard the original message.

PTO/SB/31(06-03)

Approved for use through 7/31/2003. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) 100717-590/ Bayer 10,256-HCL	
CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office on the 3rd day of December, 2003. _____ Agata Glinska		In re Application of Albers et al <hr/> Application Number 09/868,305 <hr/> Filed 20 August 2001 <hr/> For Biphenyl and Biphenyl-Analogous Compound as Integrin Antagonists <hr/> Art Unit 1624 <hr/> Examiner Thomas C. McKenzie	
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner finally rejecting claims 24-43.			
The fee for this Notice of Appeal is (37 CFR 1.17(b))		\$ <u>330.00</u> <input type="checkbox"/>	
Applicant claims small entity status. See 37 CFR 1.26. Therefore, the fee amount shown above is reduced by half, and the resulting fee is: \$.			
<input type="checkbox"/> A check in the amount of the fee is enclosed.			
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.			
<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.			
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number <u>14-1263</u> . I have enclosed a duplicate copy of this sheet.			
<input type="checkbox"/> A petition for an extension of time under 37 CFR 1.36(a) (PTO/SB/22) is enclosed.			
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.			
I am the			
<input type="checkbox"/> applicant/inventor.			
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).			
<input type="checkbox"/> attorney or agent of record. Registration _____			
<input checked="" type="checkbox"/> attorney or agent under 37 CFR 1.34(a). Registration number if acting under 37 CFR 1.34(a) <u>48,104</u>			
<u>December 13, 2003</u> Date		<u>Howard C. Lee</u> Signature	
<u>(212) 808-0700</u> Telephone Number		<u>Howard C. Lee</u> Typed or printed name	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input type="checkbox"/> Total of _____ forms are submitted.			

This collection of information is required by 37 CFR 1.8. This information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450 Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.